

Neighborhood Planning for Community Revitalization

Assessment of Restorative Justice Outcomes

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**Center for Urban and Regional Affairs
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Assessment of Restorative Justice Outcomes

Conducted on behalf of
Steven's Square Community Organization

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I. RESTORATIVE JUSTICE- THEORETICAL FRAMEWORK

A. ADVANTAGES OF RESTORATIVE JUSTICE

- Victim and the Community at the Center
- Restorative Justice Gets the Community Involved
- Restorative Justice Requires the Offender to take Responsibility/Repair the Harm

Victim and the Community at the Center

Restorative justice is a different way of responding to crime. Restorative justice empowers individuals in their communities to reach out to help others restore conflict in ways that lead to understanding, promote healing and attempt to repair harm done. This response to crime places the victim and the community at the center of the process. Restorative justice defines crime as an act against the victim and the local community as opposed to an act against the state. It also defines crime as any wrong that weakens relationships between people or harms community living.¹ These efforts enable victim and local community voices to be heard.

Offenders Take Responsibility/ Repair the Harm

Restorative justice is not just about victims. Offenders take responsibility for their actions that have affected others. They are given the opportunity to directly repair the harm done to those people and communities that have been victimized. "For many offenders, going to jail may seem a lot easier than being held accountable to their victims. In restorative justice programs, Offenders learn about how they have personally harmed victims and can then work to make real amends to the victim and the community."²

The Community is Involved

It provides an opportunity for local residents to become actively involved in responding to problems in their communities rather than passively relying on the "state" to respond to these issues alone. Traditionally crime victims have felt left out of the judicial process, with little or no opportunity for them to speak their feelings or offer suggestions for redress. "In a restorative justice approach, crime victims are given more opportunities to regain their personal power by stating their own needs and how their needs can best be met."³

B. DISADVANTAGES OF RESTORATIVE JUSTICE

- **Possible Lack of Emphasis on Structural Problems**
 - **Possible Expansion of State Control**
 - **Use of Unpaid, Volunteer Labor**

Possible Lack of Emphasis on Structural Problems

While the preponderance of literature extols the virtues of a restorative justice approach to crime, there are those that voice caution about this type of orientation towards crime. One such criticism cautions that restorative justice often suppresses conflict and discourages the expression of societal rights or interests.⁴ This criticism argues that restorative justice de-emphasizes the social/structural roots of conflict by only focusing on the individual aspects of crime- meaning the psychological or personal. "An opposing strategy requires, in addition to dealing with conflict, an examination of root causes of social problems and an address of those causes as central to the strategy of preventing social conflict (1993, 435)."⁵

Possible Expansion of State Control

On a similar vein, some restorative justice programs are criticized for expanding social control. "State, semi-state, and private entities have been empowered to intervene into personal relations for the purposes of preventing, identifying, and/or correcting disruptive behavior. State expansion occurs through 'deregulation' (or community regulation) where private agencies are recast as agents of state control, and where one does not have to break a law to be ensnared by the state's ubiquitous, informal network of control."⁶ This expansion of social control also occurs when restorative programs work with cases that otherwise would have been dismissed by traditional justice systems. This practice of picking up cases that otherwise would be overlooked by formal justice systems is known as "widening the net of social control." Baskin (1988) believes that some restorative justice interventions open up areas of private life to public scrutiny (and therefore public control) that were before private. In a victim/offender mediation or a community conference, participants are encouraged to share personal details of their lives as they relate to the crime or conflict.⁷ This tendency places an emphasis on "self management" and recasts the structural causes of conflict (e.g. poverty, classism, sexism, and racism) as failures of communication or psychopathology.⁸

Use of Unpaid Volunteer Labor

Community mediation programs depend upon citizen volunteers for the operation of the program. Citizens are often busy and must devote time on community conferencing that would otherwise be spent on personal endeavors. In a contemporary society where people are working more hours per week and have less free time, the personal costs to one's quality of life are inflated.

II. THE TRADITIONAL RESPONSE TO LOW-LEVEL CRIME:

A. ADVANTAGES OF TRADITIONAL RESPONSE TO LOW-LEVEL CRIME

- Consistency of Consequences for Same Crimes
- Anonymity of the Offender
- Use of Professional, Paid Labor/ Unpaid Citizen Labor not Needed
- Offenders are Punished/ Receive consequences for their Crimes

The traditional court system is the traditional response to crime where the offender is held accountable primarily to the state for the crimes that they have committed rather than to their victims or the communities that have been impacted. Typical traditional responses to the types of low-level crimes addressed by the community conferencing program might include court-ordered fines, restitution, incarceration in jail or the work house, probation, court-ordered treatment or counseling, etc.

There are a number of benefits associated with the traditional court-based disposition of criminal offenders. As with many things, perceived benefits and advantages of a given course of action differ according to one's point of reference. However, there are a number of positives of the traditional court system that are challenged by few.

Consistency of Consequences for Same Crimes

While in practice there are those that would dispute this, the first theoretical benefit of the traditional court system is that it offers a predictability of consequence for same crimes. Everything else remaining equal, two different offenders will receive the same punishment for the same crime. The emphasis is on a rational and impartial decision for all. Consistency is a very important consideration in any measure of the quality of justice. Theoretically, the laws as applied equally to everyone result in similar outcomes so that fairness and citizen confidence in the justice system is supported. Communities can be assured that none of their citizens are above the law, regardless of the power that they may wield in other areas of their lives.

Anonymity of the Offender

Another theoretical benefit has to do with the anonymity of the offender in the traditional system. The courts do not require that the victim(s) and or the victimized community be present for the proceedings. The process is handled by paid representatives of the state, and perhaps representatives of the offender who probably did not know the offender (or the victim) before learning about the case. The proceedings operate within the context of a system that depersonalizes the crime and focuses on the facts of the case to apply rational sanctions. The process models a rational, dispassionate weighing of the circumstances of each case to achieve a "just" solution. It is a process that ideally operates to condemn the offense and not the offender.

Use of Professional, Paid Labor/ Unpaid Citizen Labor not Needed

The court systems do not require that the community invest its time and energy into pursuing justice. When crimes are committed in a community and the community suffers, the courts are responsible for representing the best interests of the community. In keeping with a representative democratic system, the elected or appointed officials in the judicial system see to it that they act in accord with the needs and wishes of their constituents within the confines of the law. In this way, citizens are freed of the responsibility and burden of using their labor to assure for safe communities. This handing over of power to the courts and the police of maintaining justice moved away from the primitive vigilante and public shaming styles of justice that were commonplace in early America. Often, manifestations of "mob mentality" or summary justice resulted in the misattribution of guilt and the continued victimization of the community.

Offenders are Punished/Receive Consequences for their Crime(s)

Court sentencing procedures operate by sentencing guidelines. In some cases, mandatory sentencing guidelines apply. Offenders who plead or who are found guilty receive consequences.

B. DISADVANTAGES OF TRADITIONAL RESPONSE TO LOW-LEVEL CRIME

- **Offenders Often do not take Responsibility for the Crime**
 - **Lack of Attention to victim's needs**
 - **Relatively low "Quality of Justice" Ratings**
 - **Lack of Attention to Community Needs**
- **Relationships between the public and the government not strengthened**
 - **Lack of Community Involvement**

"All too often, disputes arise because of misunderstanding, miscommunications, unintended slights, culturally, based ways of acting. The courts are not designed to identify or deal with the essence of these disputes. Rather, they determine facts and apply the rules of law to them."⁹

Offenders Often do not Take Responsibility for Crime

Offenders often do not receive real or substantial consequences for their actions. Overburdened court systems often overlook many but the most serious of crimes. Offenders are inadvertently given the message that low-level crimes go unpunished. Offenders do not learn of the impact of their crime on victim(s) and the community and so they are unable to repair the community in a responsible way.

Lack of Attention to Victim's Needs

Traditional criminal justice proceedings fail to recognize the needs of victims. Offenders are held accountable primarily to the state for the crimes that they have committed. Victims are often deeply impacted by the crimes that they have suffered. The traditional response to crime does not fully address and repair the harm that has been done to victims and communities because of crime.

Relatively Low "Quality of Justice" Ratings

Traditional court proceedings for these types of cases receive low ratings on two important measures of quality of justice- disputant satisfaction with the process and outcomes, and beliefs that they are fair, and compliance by disputants with the judgements or settlements produced by the dispute-processing approach.¹⁰ Other secondary qualitative elements of justice are also poorly attended to in traditional proceedings; understandability of the process, adequacy of opportunities for participation by parties in the case, and the transformative potential of the process are areas of weakness in traditional proceedings.¹¹

Lack of Attention to Community Needs

Traditional criminal justice approaches to low-level crime rarely take into account the community's needs to be repaired. Crime is viewed as an act against the state, where the state must be recompensed for the crime.

Relationships between the public and the government not strengthened

There is little or no dialog between the professional system and the community in addressing crime. Citizens view themselves as outside of the professional "expert" handling of crime, which defines and treats the crime problems. Citizens result in feelings of powerlessness to exert control within existing government institutions. Confidence in government to meet community needs is eroded.

Lack of Community Involvement

While in some cases, such as treatment or counseling, rehabilitation of the offender is taken into account, the focus of the traditional justice system interventions are primarily on retribution or punishment. Community involvement is minimal if present at all. In cases where the offender is incarcerated in jail or the workhouse, the community is assured that that offender will not further disrupt the safety of the community during the period of incarceration. However, the overall impact on the community is not focused on and the reparative needs of the community are not addressed.

III. CASE STUDY: CCNP COMMUNITY CONFERENCING PROGRAM:

A. IDENTIFIED ADVANTAGES OF CCNP COMMUNITY CONFERENCING

- Community Conferencing Addresses The Needs Of The Community And Victims
 - Offenders Take Responsibility For Actions
- Transformation And Education Of Those People Involved In The Process
 - Improved Social Justice
 - Satisfaction With Process And Outcomes
 - Community Empowerment
- New And Strengthened Community Relationships
- Enhanced Relationships And Information Sharing Between Citizens And Government
 - Community Benefits From Resolution Of Crime
 - Building of Offender Competency

The CCNP Community Conferencing program is an example of a court diversion program for low-level offenders. This program, as a community-based model of Restorative Justice, works to enhance community involvement in addressing crime.

Community members affected by these crimes are given the opportunity to directly confront offenders and ask that amends be made to correct the damage caused by their wrongdoing.

Perhaps the most comprehensive examination of community justice programs in the United States is a July, 1997 report published by the National Institute of Justice. This report, titled "Community Mediation Programs: Developments and Challenges" summarizes the theoretical advantages that have been put forth of the community justice model. This report found three main themes or outcomes common to the U.S. community justice programs. These three themes are *the transformation story, the social justice story, and the satisfaction story.*

Community Conferencing Addresses the Needs of the Community and Victims

- "The victim's anger is diminished after going through a conference with the offender. Victims get the chance to let the offender know just how they were affected by their actions."¹²
- "I think that the CCNP Community Conferencing program offers a chance for the community to be more involved in the justice system. It gives an opportunity for the community to solve the problem of gridlock in the criminal justice system."¹³

Through the Community Conferencing process, Victims are given a chance to speak their feelings, experience justice, and have the power restored to them that has been taken away by the offender.¹⁴ In a community-based restorative approach to crime, community members participate in consensus decision making about how the offender will make amends for the harm he or she caused. Community members are involved with the victim(s), offenders, and law enforcement through volunteer work and partnerships.¹⁵ Victims have the chance to offer their input into the restorative process. Victims are empowered to receive reparations for the harm they experienced in the conference process.

Offenders Take Responsibility for Actions

- "With the community conferencing program offenders have to be accountable to us. We get 'real justice'."¹⁶

A community-based restorative approach to crime enhances accountability for the offender. "A community run program makes offenders answerable for their behavior even when the formal system, for lack of resources, would impose no significant penalty. It holds them directly responsible to the harmed individuals and community for repairing the damage of crime through symbolic or tangible restitution."¹⁷

Transformation and Education of those Involved in the Process

- "One of the great things during a conference is seeing the offender's change of attitude when he realizes what he's done has affected a whole lot of people and even a whole neighborhood. I don't think offenders come into a conference realizing how much their actions can impact others. The process of the conference allows that realization to happen."¹⁸
- "Community conferencing treats the offender like a real person and not just another number marching through the court system. Conferencing recognizes the offenders mistake, but instead of dwelling on the "wrong," we're trying to repair it- it just seems like a much more positive experience for an offender."¹⁹

The Community Conferencing program seeks to educate offenders about the consequences of their crimes and to promote their growth. Offenders are given the opportunity to engage in voluntary facilitated dialogs with community members that have been affected by the crime. These offender/community conferences offer a chance for everyone to discuss the incident and its emotional impact, to ask questions related to the incident, and to negotiate appropriate forms of reparation that all parties consider fair.

The transformation story of community mediation programs has to do with the personal growth of those people involved in the community mediation process. The conference offers a unique opportunity for the transformative growth of the offender. Conferencing can transform parties to the dispute by improving their understanding of the community's perspective and their capacity for compassion and empathy. The experience of resolving conflict in the conference empowers individuals to handle their own conflicts in healthier ways.²⁰

Through offender/community conferencing, low-level adult offenders begin to learn the human dimension of crime by seeing their victims and those affected by their crimes as "people" rather than "objects." Affected community members are given the opportunity to confront the offender, receive answers to their questions about the offense, and to tell the offender how the crime affected them.

Improved Social Justice

- "The Community Conferencing program gives me the chance to make myself useful. I have the chance to be involved in something important. This program gives me a the chance to get to know other community members better."²¹

The social justice story of community conferencing has to do with organizing and empowering communities. Proponents of community justice programs argue that when individuals join to solve problems in their communities, solidarity is built and citizens' dependency on government institutions is decreased. Through the shared experience of the community conference, people are able to focus on and take control over their common interests. One powerful effect of the community justice model on communities is the development of local leaders. People who stress the social justice potential of community conferencing argue that these community leaders ultimately transcend the interpersonal dispute focus of community conferencing programs. With time, these local leaders help their communities understand and address the structural issues that negatively affect their environment. Social justice interventions may take the form of political consciousness raising and the political mobilization of communities to achieve common goals.

Satisfaction with Process and Outcomes

1. 91% satisfaction rate with conference outcomes of victim/community participants
2. 91% of victim/community participants felt that justice was served through the conference.
3. 90% of victims/community participants felt more connected to their communities as an outcome of the conference
4. 100% of surveyed offender conference participants (14) were satisfied with the conference outcome²²

The satisfaction story is closely related to an improvement of the quality of justice. Disputant satisfaction with the process and outcomes, and beliefs that they are fair is one component of quality of justice. The others components are precision in bringing out the relevant facts, consistency so that relatively similar outcomes occur for similar cases and compliance with disputants with the judgements or settlements produced by the dispute processing approach.²³ Research on disputant satisfaction with community justice programming consistently demonstrates higher participant satisfaction than with traditional responses.²⁴

Community Empowerment

- "The CCNP Conferencing program helps build the community. People see the good that comes out of the conferences and they want to join. It gives community members a chance to connect with a more diverse segment of the community than they otherwise would."²⁵
- "A program like CCNP Restorative Justice is something a neighborhood should really be proud of and brag about- it sends a message to other neighborhoods, to

the city, to the police, to the county and courts, to offenders, etc., that Stevens Square and the people here care, that good things are going on in this neighborhood. I definitely think the program gets the neighborhood involved in its own future of making this a better place to live, work, or visit."²⁶

Community Members are active in decisions and plans for repairing the harm to their communities in a community-based approach to crime.²⁷ Community members play a proactive role in building the social health of their communities. Community members view state and local governments as partners, and not the sole entities in the fight to control crime in their neighborhoods.

According to the Minnesota Departments of Corrections, Community Conferencing allows the community to directly express outrage and pain to those who cause the harm. It allows the community to play a constructive role in the resolution of the crime in order that citizens regain a sense of efficacy and control over their communities. Community members are allowed to address the underlying causes of crime and affirm community norms.²⁸

New and Strengthened Community Relationships

- "It's great to be involved in a community/neighborhood-based project. I've met a lot of people in the Stevens Square neighborhood in particular, but also folks from Elliot Park, Downtown, and Loring Park that I wouldn't have met otherwise."²⁹
- "This program, like all community/Neighborhood-based programs, fosters community building. It gets people outside their homes and into the community to work together with their neighbors. People get to know each other, get to know their neighbors and their neighborhood and start to feel safer in the place where they live or work."³⁰

"Community-based restorative justice can foster new interpersonal relationships as it gathers people to act on their own behalf. The interaction involved in researching, planning, and running such a project provides an opportunity for a diverse set of people to work together on concrete problems. In the process, the organizational capacity of the community is bolstered in terms of the quantity of people actively involved, as well as in the "value-added" constituted by their individual strengths."³¹

Enhanced Relationships and Information Sharing between the Public and Their Government

There is collaboration between the professional system and the community in addressing crime. Citizens join in a partnership with professionals in the handling of crimes in their communities. Citizens are empowered to exert control within existing

government institutions and confidence in government to meet community needs is strengthened.

Community Benefits from Resolution of Crime

- "I think that one of the benefits for me is that I am less fearful of other people in the community. I think that with less fear in the community there is less of a potential for more crime to happen."³²

When community members come together to solve crime in their communities social capital (or the aggregate strength of relationships in a community) is built.³³ Crime leads to fear, which leads to pulling away and mistrust. "An atmosphere is created in which crime is more likely to happen, making a constructive response to crime one that pulls people back together."³⁴

Building of Offender Competency

A restorative approach to crime like the CCNP Community Conferencing program helps build the offender's skills and abilities. "Offenders strengths, interests, skills, capabilities, and positive characteristics are identifies and supported. The community aids the offender to realize his or her potential and supports the offender in returning to the community. Once the offender acknowledges responsibility, accepts the sanctions for the behavior and makes restitution, he or she should come back into the community as an active and full community member."³⁵

B. IDENTIFIED DISADVANTAGES OF CCNP COMMUNITY CONFERENCING

- Volunteer Time Commitment
- Variability of Consequences for Same Crimes

Potential Limit on Community/Volunteer Capacity

Volunteers involved in the Community Conferencing program consistently identified the time commitment when asked about the personal costs of being involved in the program. Conferences can take upwards of two hours to reach closure. The time that volunteers devote to the program could be spent on other community-based volunteer work, leisure time, work, or other activities.

A community-based restorative approach to crime opens the actions of the offender to public scrutiny. Offenders are required to relate to community members the circumstances surrounding their offense(s).

Variability of Consequences for Same Crimes

Restorative approaches to crime consequences are flexible in nature. The actions that the offender takes to repair the harm done depends upon his or her circumstances and the needs and wishes of the community and the victim(s). Two different offenders who have committed identical crimes may have very different tasks to fulfil in order to repair the harm to the community and the victim.

C. CCNP Community Conferencing Labor Costs:

This report examined five main areas of cost related to the CCNP Community Conferencing program. The first CCNP cost shown on the case studies chart is case monitoring and coordination. Two hours is the typical amount of time spent on these activities by the program coordinator. This \$30.00 cost is not inclusive of all administration costs. The second cost on this chart is that of the community organizer. On average, the community organizer spends 2 hours or \$25.00 on recruiting and scheduling for each case.

Third, the average volunteer facilitator spends six hours on each case. Two volunteer facilitators are assigned to each case for an average of twelve hours per case. Volunteers donate their time to the program, but for purposes of comparison, this labor time amounts to \$157.92. This figure is based on the 1996 Census Bureau average hourly worker salary of \$13.16 per hour. This cost does not include non-facilitator volunteer time.

The forth area of cost related to this program has to do with training of volunteers. The program spends \$125.00 in training costs per volunteer facilitator. The program trains an average of fourteen facilitators per year to remain operational. This total training cost comes to \$1750.00 per year for the necessary fourteen volunteer facilitators. When this \$1750.00 is divided by the average total numbers of cases the program can process per year (84), an average \$20.83 per case cost is the result. Finally, the program spends an average of \$10.00 per case on refreshments for conference attendees.

The total average cost per case for the program based on the above figures comes to **\$237.92**.

D. CCNP Outcomes:

Based upon the program's summary statistics, one hundred percent of the cases that the CCNP program sees through to a conference reach an agreement. Eight percent (2) of all offenders who are offered the chance to participate in the program decline. Sixteen percent (or 4) of those cases conferenced so far have involved non-compliant offenders. These are cases where the offender has agreed to a course of action, but has not followed through.

Based upon seventy surveys completed by community volunteers, there is a ninety-one percent rate of satisfaction with conference outcomes by victim/community volunteers. The percentage of victim/community volunteers who felt that justice was served was the same-91%. Overall, the vast majority of those volunteers who were involved in this process felt that they were more connected to their communities as a result of the conference experience. Perhaps most significantly, virtually all of the 14 offenders who engaged in a conference felt satisfied with the outcome. Very few people involved in a conference were dissatisfied with the process.

IV. HCDC LABOR COSTS AND OUTCOMES: CASE STUDY

A. HCDC: Misdemeanor Case Labor Costs

For purposes of this comparison, this report examined five areas of labor costs associated with HCDC: judicial costs, HCDC trial costs, public defender costs, prosecution costs, and training or continuing legal education costs. Some of these figures do include administrative costs and could not be separated from the total cost for that category. In order to obtain the best possible comparison of these two programs the total trial cost per case was looked at. The trial condition in this case most closely approximates the type of rich, in-depth involvement of the disputants to a case that the CCNP Community Conferencing program does; however, it should be noted that out of thousands of misdemeanor cases processed in 1998 by HCDC, only ninety-six went to trial. The vast majority of cases were settled out of trial in 1998.

It should also be mentioned that when comparing these two alternative options for processing cases, one should be careful to consider the "apples and oranges" nature of these two options. From the CCNP Program's perspective, an offender must take responsibility for his or her actions in the crime in order to be eligible for the program and to achieve a successful outcome to the conference. This is not the case with offenders who are treated in the traditional system. Offenders there may or may not take responsibility for their actions. Whether or not they do take responsibility, it is incumbent upon the system that these offenders are dealt with. In contrast, an

admission of responsibility for the crime is an explicit eligibility condition of the CCNP Conferencing program.

According to MN State Supreme Court researcher Heidi Green, the judicial costs for processing misdemeanor cases in HCDC is \$16.61 per case.³⁶ These judicial placements are budgeted \$250,000 per year. Judges and their staff devote an average of 5 minutes per adult misdemeanor case. Judicial staff work 75,134 minutes per year. This figure does include the judges support staff costs. The HCDC researcher, Marcy Podkopackz reported that in 1998 common misdemeanor cases cost the court an average of \$1101.14 per trial. This cost reflects the total mileage and per diem paid to jurors to decide a case. In 1998, there were a total of 64 of such trials.

The public defender's office reported that they spend an average of \$144.00 on a misdemeanor case. This figure is a case unit cost and does include administration costs for the public defender's office. The city attorney's costs for prosecuting these cases was figured by taking a typical salary of \$87,900 for a city attorney working in the criminal division of the city attorney's office.³⁷ A contact person at the City Attorney's Office reported that they processed 63,000 cases in 1998 with 29 attorneys.³⁸ The 2172 average number of misdemeanor cases an attorney works on per year then divided this salary for an average cost of \$40.46 per misdemeanor case.³⁹ This figure too, includes administration time.

Training/continuing legal education costs for both public defenders and prosecutors was calculated by taking the cost of a season pass (\$948.00) to the MN State Bar Association's continuing legal education courses and dividing that by six. According to the continuing legal education contact person, a person could fulfill six years of continuing legal education credits in one year with such a pass. This comes to a total of \$316.00 per year for both the public defender and the prosecutor per case or \$158.00 each. After this cost is divided by the total number of cases that attorneys work on per year the average cost per case is negligible.

The total average labor/limited administrative cost per HCDC case based on the above figures comes to **\$1301.01 for trial cases and \$200.46 for non-trial cases.**

B. HCDC Outcomes

Locating HCDC outcome information relevant to misdemeanor cases was extremely difficult in this case. Information on case dispositions is recorded by the uniform crime reporting codes. These codes do not separate for misdemeanor/felony cases. Given this limitation, only two case types of misdemeanors could be examined: prostitution and disorderly conduct.

According to a study done by the Minneapolis City Attorney's Office in 1998 on prostitution cases,

There were 116 defendants who were charged with misdemeanor prostitution. Of those 116 defendants, 68 defendants (59%) were convicted of a misdemeanor

prostitution offense. In 14 of those cases (12 percent), the defendant's case was continued for dismissal. In ten of those cases (9 percent), the defendant's case was dismissed... Of those 68 defendants convicted of prostitution, six defendants (9 percent) were sentenced to serve workhouse time. Fifty-eight defendants (85 percent) were given a probationary sentence. Four defendants (6 percent) were sentenced to no workhouse time. Of the 68 defendants convicted of prostitution, 28 defendants (41 percent) were sentenced to pay a penalty assessment."⁴⁰

According to information obtained from the City Attorney's office, forty percent of HCDC disorderly conduct cases were dismissed in 1998; out of a total of 3413 cases in HCDC in 1998, 2186 cases were dismissed or continued for dismissal. Of all disorderly conduct cases, thirty-five percent plead guilty or are found guilty at trial.

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- ³³ Gerard, 24.
- ³⁴ Gerard, 24.
- ³⁵ Umbreit, Mark. "Restorative Justice for Victims Offenders and Communities." (Center for Restorative Justice and Mediation- University of Minnesota, 1999, unpublished)
- ³⁶ February 9, 1999.
- ³⁷ City of Minneapolis job posting for deputy city attorney, criminal division 3/08/99.
- ³⁸ Personal conversation with Carol Lansing Minneapolis City Attorney's Office.

³⁹ Ibid.

⁴⁰ Heffern, Jay, Fundingsland, Lynn, Heng, Steve. "Study of Certain Prostitution Cases Occurring within the City of Minneapolis in 1998." (Prepared by the Office of the Minneapolis City Attorney, 1998, unpublished).

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Attachment A: Case Studies

CCNP COMMUNITY CONFERENCING: LABOR COSTS AND OUTCOMES	HENNEPIN COUNTY DISTRICT COURT: LABOR COSTS AND OUTCOMES
<ul style="list-style-type: none"> <u>Labor Costs:</u> 1. Coordination and monitoring cost per case (does not include admin. hours): <ul style="list-style-type: none"> \$30.00 (2 hrs) 2. Average community organizer cost per case for recruiting and scheduling? <ul style="list-style-type: none"> \$25.00 (2 hrs) 3. Average volunteer facilitator hours per case and relative cost per case based on average worker salary. (Does not include volunteer hours and associated cost of volunteer community conference participants?) <ul style="list-style-type: none"> 2 facilitators per case X 6 hrs each per case = \$157.92 4. Cost of training volunteers: <ul style="list-style-type: none"> \$20.83 average training cost per case (assuming an average 84 cases per year). 5. Food and Refreshments per case: <ul style="list-style-type: none"> \$10.00 <p>Total average labor cost per case: \$237.92</p>	<ul style="list-style-type: none"> <u>Labor Costs:</u> 1. Judicial costs (includes admin hours): \$16.00/case average (1998) 2. H.C.D.C. trial costs (includes only mileage and per diem for jurors): <ul style="list-style-type: none"> \$1101.14 average cost for common misdemeanor trial (n=64, 1998) 3. Public defender costs: <ul style="list-style-type: none"> \$144.00 per case unit (typical misdemeanor case is 1 case unit. includes admin. costs) 4. Prosecution costs: <ul style="list-style-type: none"> \$87,900/yr divided by 2172 (average) misdemeanor cases per year = \$40.46 5. Training/Continuing Legal Ed. Costs: <ul style="list-style-type: none"> \$158.00/yr per lawyer (typical cost per year with season pass to MN State Bar Assoc. Continuing Ed. Courses) Cost per case = <u>negligible</u> <p>Total average labor cost per trial case: \$1301.60</p> <p>Total average labor cost non-trial case: \$200.46</p>
<ul style="list-style-type: none"> <u>Outcomes:</u> 1. % of conferenced cases reaching agreement -100% 2. % of offenders who decline to participate in program -8% 3. % of offenders who are noncompliant with conference agreements -16% 4. % of satisfaction with conference outcomes of victim/community participants -91% 5. % of victim/community participants who felt that justice was served through the conference -91% 6. % of victims/community participants who felt more connected to their communities as an outcome of the conference -90% 7. % of surveyed offender conference participants (14) who were satisfied with the conference outcome -100% 	<ul style="list-style-type: none"> <u>Outcomes:</u> 1. Dispositions of patrons of prostitution misdemeanor cases in H.C.D.C (1998): <ul style="list-style-type: none"> 59% of misdemeanor patrons of prostitution cases result in a conviction 9% of patrons of prostitution cases are dismissed by the court 12% of cases are continued for dismissal 9% of convicted defendants received workhouse sentences 85% of convicted defendants received probationary sentences 41% of convicted defendants were ordered to pay a penalty assessment 2. Dispositions of disorderly conduct cases in H.C.D.C. (1998): <ul style="list-style-type: none"> 40% of disorderly conduct cases dismissed 35% plead guilty or are found guilty at trial

Attachment B: Theoretical Advantages And Disadvantages

Community-Based Restorative Justice Approach	Traditional Justice System
<p><u>Advantages:</u></p> <ol style="list-style-type: none"> 1. Community Conferencing Addresses the Needs of Community and Victims 2. Offenders take responsibility for actions 3. Transformation and education of those people involved in the process 4. Improved social justice 5. Satisfaction with process and outcomes 6. Community empowerment 7. New and strengthened community relationships 8. Enhanced relationships and information sharing between citizens and government 9. Community benefits from resolution of crime 10. Building of offender competency <p><u>Disadvantages:</u></p> <ol style="list-style-type: none"> 1. Potential limit on community/volunteer capacity 2. Possible lack of attention to structural problems 3. Possible expansion of state control 4. Variability of consequences for same crimes 	<p><u>Advantages:</u></p> <ol style="list-style-type: none"> 1. Consistency of consequences for same crimes 2. Anonymity of the Offender 3. Use of professional, paid labor/ unpaid citizen labor not needed 4. Offenders are punished/ receive consequences for their crime(s) <p><u>Disadvantages:</u></p> <ol style="list-style-type: none"> 1. Offenders often do not take responsibility for the crime 2. Lack of attention to victim's needs 3. Relatively low "quality of justice" ratings Lack of attention to community needs 4. Lack of attention to community needs 5. Relationships between the public and government are not strengthened 6. Lack of community involvement